

1 THE HONORABLE RICARDO S. MARTINEZ
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BACKPAGE.COM, LLC,)
11 and) Plaintiff,) No. 2:12-cv-000954-RSM
12 THE INTERNET ARCHIVE,)
13 v.) Plaintiff-Intervenor,)
14 ROB MCKENNA, Attorney General of the)
15 State of Washington, *et al.*)
16 Defendants, in their)
17 official capacities.)
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20 **STIPULATION**

21 Plaintiffs Backpage.com, LLC and The Internet Archive, together with Defendant
22 Russell D. Hauge, Prosecuting Attorney of Kitsap County (“Hauge”), by and through their
23 counsel of record, hereby stipulate and agree as follows:

24 1. Plaintiffs and Hauge agree and request that the Court enter final judgment in
25 this matter, permanently enjoining any enforcement or prosecution of any person under
26 RCW 4.68A.104 (the codified version of Washington Engrossed Substitute Senate Bill
27 6251, Chapter 138, Washington Laws of 2012) and declaring that the statute is

unconstitutional and violates federal law, in accordance with paragraphs 2 and 3 of the Proposed Order for Entry of Final Judgment Enjoining Enforcement of RCW 4.68A.104 (Washington Senate Bill 6251) pursuant to the Stipulation entered into concurrently between Plaintiffs and all other Defendants in this action (the “Stipulated Order”).

2. Hauge does not object to the judgment assessing an award of costs and attorneys' fees against the Office of the Attorney General, as set forth in paragraph 4 of the Stipulated Order. Plaintiffs agree that Hauge shall not be responsible for any additional costs or attorneys' fees.

3. With this Stipulation, the undersigned parties hereby settle all claims and potential claims between them related to this litigation, and no party will appeal or otherwise challenge an order of the Court or entry of final judgment in this matter as set forth in the Stipulated Order.

4. The undersigned parties further agree that, by this Stipulation, Plaintiffs' Motion for Clarification or Reconsideration of Order Granting Defendant Hauge's Motions to Dismiss (Dkt. #74), the Court's Order Granting Defendant Hauge's Motions to Dismiss (Dkt. #72), and the Court's Order Directing Response to Motion for Clarification or Reconsideration (Dkt. #77) are mooted, should be withdrawn, and require no further action by the Court.

ORDER

Based on the foregoing Stipulation and the Court's prior orders, findings and conclusions in this action, it is hereby ORDERED, ADJUDGED and DECREED that:

1. All claims between Plaintiffs and Defendant Russell D. Hauge, Kitsap County Prosecuting Attorney, are and shall be resolved in accordance with paragraphs 2 and 3 of the Proposed Order for Entry of Final Judgment Enjoining Enforcement of RCW 4.68A.104 (Washington Senate Bill 6251) pursuant to the Stipulation entered into concurrently between Plaintiffs and all other Defendants in this action (the “Stipulated Order”).

2. Plaintiffs' Motion for Clarification or Reconsideration of Order Granting Defendant Hauge's Motions to Dismiss (Dkt. #74), the Court's Order Granting Defendant Hauge's Motions to Dismiss (Dkt. #72), and the Court's Order Directing Response to Motion for Clarification or Reconsideration (Dkt. #77) are moot and are hereby withdrawn, and Plaintiffs and Defendant Hauge need not respond further.

3. The Court has awarded Plaintiffs costs and attorneys' fees in the Stipulated Order, and Defendant Hauge shall not be responsible for any additional costs or attorneys' fees. The undersigned parties respectively shall bear any other costs and fees incurred in connection with this action.

SO ORDERED this ____ day of December, 2012.

**RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE**

Presented and agreed to by:

DAVIS WRIGHT TREMAINE LLP

s/ James C. Grant

James C. Grant, WSBA No. 14358
Ambika K. Doran, WSBA No. 38237

s/ Elizabeth L. McDougall
Elizabeth L. McDougall, WSBA No. 27026
General Counsel, Village Voice Media Holdings, LLC

Attorneys for Plaintiff Backpage.com, LLC

ELECTRONIC FRONTIER FOUNDATION

s/ Matthew Zimmerman
Matthew Zimmerman (admitted *pro hac vice*)

1 FOCAL PLLC

2 s/ Venkat Balasubramani

3 Venkat Balasubramani, WSBA No. 28269

4 Attorneys for Plaintiff-Intervenor The Internet Archive

5 RUSSELL D. HAUGE, Kitsap County Prosecuting Attorney

6 s/ Ione S. George

7 Ione S. George, WSBA No. 18236

8 Chief Deputy Prosecuting Attorney

9 Attorney for Defendant Russell D. Hauge

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STIPULATION AND [PROPOSED] ORDER OF FINAL JUDGMENT
ENJOINING ENFORCEMENT OF RCW 4.68A.104 — 4

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